



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
Former Yugoslavia since 1991

Case No. IT-03-67-R77.5  
Date: 9 October 2017  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Bakone Justice Moloto  
Judge Christoph Flügge

**Registrar:** Mr John Hocking

**Decision of:** 9 October 2017

**IN THE CASE AGAINST**

**PETAR JOJIĆ  
AND  
VJERICA RADETA**

***PUBLIC***

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**DECISION ON *AMICUS CURIAE* PROSECUTOR'S  
FURTHER REQUEST FOR ASSISTANCE**

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***Amicus Curiae* Prosecutor**  
Ms Diana Ellis, QC

**The Government of the Republic of Serbia**  
*Per:* The Embassy of the Republic of Serbia  
to the Kingdom of the Netherlands

**TRIAL CHAMBER I** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Chamber” and “Tribunal”, respectively);

**NOTING** that on 28 August 2017, the Chamber requested the Republic of Serbia (“Serbia”) to provide documents requested by the *amicus curiae* Prosecutor (“Decision”);<sup>1</sup>

**NOTING** that on 18 September 2017, the Registry informed the Chamber that it had received documents from Serbia, which it forwarded to the *amicus curiae* Prosecutor pursuant to the Decision;<sup>2</sup>

**BEING SEISED** of the *amicus curiae* Prosecutor’s further request, filed on 3 October 2017 (“Further Request”), submitting that the documentation provided is incomplete and seeking the Chamber’s assistance in order to obtain: (i) the transcript of the review proceedings in the War Crimes Chamber of the High Court on 17 May 2016; (ii) the audio-recordings of both hearings of 17 May 2016 (Preliminary Proceedings and Review Proceedings); and (iii) a copy of the summons relating to each accused by which their attendance was obtained at the court in Belgrade on 17 May 2016 (collectively “Further Documents”);<sup>3</sup>

**NOTING** that on 3 August 2017, in response to an earlier invitation by the Chamber, Serbia stated, *inter alia*, that there were no obstacles to providing the sought material;<sup>4</sup>

**CONSIDERING** Serbia’s willingness to assist the Tribunal in this respect;

**CONSIDERING** that the direct communications between Serbia and the *amicus curiae* Prosecutor in the past have not led to an expeditious resolution of the matter;

**PURSUANT TO** Article 29 of the Tribunal’s Statute;

**GRANTS** the Further Request;

**REQUESTS** Serbia to provide the Further Documents, within two weeks of the date of this decision, to the Registrar of the Tribunal; and

<sup>1</sup> Decision on *Amicus Curiae* Prosecutor’s Request for Assistance, 28 August 2017.

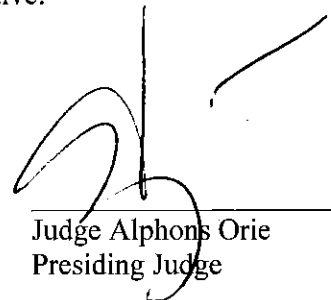
<sup>2</sup> CSSS Internal Memorandum in Compliance with the Decision dated 28 August 2017, 18 September 2017.

<sup>3</sup> Further Request of the *Amicus Curiae* Prosecutor for Assistance in Obtaining Material Relating to the Hearings Before the High Court in Belgrade in May 2016, 3 October 2017, paras 1, 7, 10.

<sup>4</sup> Submission by Serbia, 3 August 2017, p. 2.

**REQUESTS** the Registrar to provide the *amicus curiae* Prosecutor with the Further Documents upon receipt.

Done in English and French, the English version being authoritative.



Judge Alphons Orié  
Presiding Judge

Dated this Ninth day of October 2017  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**